

Hon. Thomas S. Zilly

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

UNITED STATES OF AMERICA, the States
of ALASKA, IOWA, MARYLAND,
MINNESOTA, MONTANA, and
WASHINGTON,
ex. rel. KAREN RAWLINS,

Plaintiffs,

v.

IDEAL OPTION PLLC, DR. JEFFREY
ALLGAIER, DR. KENNETH EGLI,

Defendants.

No. 2:19-CV-00404-TSZ

QUI TAM PLAINTIFF'S NOTICE OF
VOLUNTARY DISMISSAL

On October 14, 2021, the United States, Iowa, Minnesota, Montana, and Washington filed their Notice of Election to Decline Intervention confirming they are declining to intervene in this case. (ECF # 30.) On October 15, 2021, the State of Alaska filed a Notice of Election to Decline Intervention confirming it is declining to intervene in this case. (ECF #31.) On October 21, 2021, the State of Maryland filed a Notice of Election to Decline Intervention confirming it is declining to intervene in this case. (ECF #34.)

Pursuant to Federal Rule of Civil Procedure 41(a)(1) and 31 U.S.C. § 3730(b)(1), qui tam plaintiff-relator Karen Rawlins (“Relator”), before service on the Defendants, hereby notices the voluntary dismissal without prejudice of the Complaint.

In advance of filing this pleading, Relator’s counsel conferred with counsel for the United States, who advised Relator’s counsel that the United States and the Named States consent to the voluntary dismissal without prejudice.

Rule 41(a)(1) of the Federal Rules of Civil Procedure permits a plaintiff to notice the dismissal of an action without prejudice before the defendant has been served with the complaint. Rule 41(a)(1) provides in pertinent part:

(A) Subject to . . . any applicable federal statute, the plaintiff may dismiss an action without a court order by filing:

(i) a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment

(B) Effect. Unless the notice . . . states otherwise, the dismissal is without prejudice. . . .

Fed. R. Civ. P. 41(a)(1). Relator’s notice of dismissal falls within the terms of Rule 41(a) because Defendants have served neither an answer nor a motion for summary judgment.

Under the FCA a qui tam plaintiff may dismiss a qui tam complaint only with the written consent of the United States and the Court. 31 U.S.C. § 3730(b)(1). Counsel for the United States has provided Relator’s counsel with written consent on behalf of the United States and Named States to the dismissal without prejudice.

Because all conditions have been met, Relator moves the Court to enter the dismissal of the Complaint without prejudice.

Dated: January 12, 2022

By: s/ Robert A. McGuire, III

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CERTIFICATE OF SERVICE

I hereby certify that on January 12, 2022, a copy of the foregoing was electronically filed with the Clerk of Court using the CM/ECF system, which will automatically send notification of such filing to all attorneys of record.

/s/ Robert A. McGuire, III
Robert A. McGuire, III